

COMMITTEE ROOM, May 29, 1876.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills, beg leave to report that they have carefully examined and compared Senate Bill No. 2, entitled, "An Act to organize the County Courts and define their powers and jurisdiction, and find the same correctly engrossed. STEPHENS, *Chairman*.

On motion of Senator Ball, the rules were suspended, and Senate Bill No. 94, "An Act to amend 'An Act to provide for the supplying of lost records in the several counties in the State,'" approved April 14, 1874, was taken up, and made special order for Thursday next at 11 o'clock A. M.

Senate Bill No. 30: "An Act to authorize the Secretary of State to furnish certain books to libraries of law schools," was taken up, read third time and passed.

Senate Bill No. 111: "An Act to amend 'An Act to adopt and establish a penal code for the State of Texas,'" approved August 28, 1856, was read third time and passed.

Senate Bill No. 122: "An Act to fix the salaries of special Judges, and to prescribe rules for paying the same," was taken up and read third time.

Senator Martin moved to strike out the word, "appointed," in Section 1, and insert the word, "commissioned."

Adopted.

The bill, as amended, was then passed.

On motion of Senator Burton, the Senate adjourned until 10 A. M. tomorrow.

THIRTY-SIXTH DAY.

SENATE CHAMBER
AUSTIN, TEXAS, May 30, 1876. }

Senate met pursuant to adjournment. Prayer by the Chaplain.

Journal of yesterday read and adopted.

Senator Thompson presented the petition of James Harding, a citizen of Walker county, praying for relief in the payment of remnant of wages due himself and others for services rendered as guards at the penitentiary, during the years 1867, 1868 and 1869.

Read and referred to Committee on Finance.

A message was received from the House, announcing the passage by that body of Senate Bill No. 174, "And Act to prescribe the time for holding the District Court in the Twenty-second Judicial District."

Senator Hobby, Chairman of the Committee on Judiciary No. 1, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House Bill No. 23, entitled, "An Act to amend an act to re-apportion the State of Texas into Congressional Districts," approved May 2, 1874," have had the same under consideration, and instruct me to report the bill back to the Senate, with the following amendments, and recommend that it do not pass:

In Section 1, strike out the words, "Meheta," and "King," and insert, "Wichita," and "Knox."

In Section 2, strike out the word, "Neverno," and insert, "Navarro."

In Section 3, strike out the whole section. HOBBY, *Chairman*.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House Bill No. 112, entitled, "An Act to amend Articles 540 and 541, of the code of criminal procedure," have had the same under consideration and instruct me to report the bill back to the Senate and recommend that it do not pass. HOBBY, *Chairman*.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 198, entitled, "An Act to more effectually provide for the registration of deeds conveying titles to lands, and mortgages or other instruments creating liens upon the same," have had the same under consideration, and instruct me to report the bill back to the Senate and recommend that it do not pass. HOBBY, *Chairman*.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 107, entitled, "An Act to enable counties to pay debts incurred prior to April 18, 1876," have had the same under consideration, and instruct me to report the bill back to the Senate and recommend that it do not pass, as Senate bill No. 186 provides for the same. HOBBY, *Chairman*.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House Concurrent Resolution, "requiring standing committees to ascertain and report what bills are necessary to enact the laws required by the Constitution, etc.," have instructed me to report the resolution back to the Senate, and recommend that it do not pass. HOBBY, *Chairman*.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 196, entitled, "An Act to amend Article 630 of an act to establish a code of criminal procedure for the State of Texas," approved August 26, 1856, have had the same under consideration, and instruct me to report the bill back to the Senate, and recommend that it do pass. HOBBY, *Chairman*.

Senator Crain, Chairman of the Committee on Stock and Stock Raising, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Stock and Stock Raising, to whom was referred Senate Bill No. 123, entitled, "An Act for the benefit of keepers and owners of stud-horses jackasses, and bulls," respectfully report the bill back with the following amendments, and recommend that the bill do pass as amended:

Strike out the words, "keepers and," in the caption, and the words, "licensed keepers and," in Section 1.

Strike out the word, "stud-horses," wherever they appear and insert "stallions," in lieu thereof.

Strike out the word, "same," in line 3, and insert the words, "said progeny."

Strike out the word, "notified," in Section 2, line 2, and insert after the word, "purchaser," in said line, the words, "with notice."

Strike out Section 3.

CRAIN, *for Committee.*

Senator Blassingame, Chairman of the Committee on Roads, Bridges and Ferries, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred House Bill No. 8, "An Act to regulate the opening, classifying and working of public roads in the State," have had the same under consideration, and I am instructed to report said bill back to the Senate, with the recommendation that Senate Bill No. 84, "An Act to authorize the County Court to provide for and regulate the construction and repairing of county roads, and fixing the penalties therefor, be passed in lieu of said House Bill.

BLASSINGAME, *Chairman.*

Senator Piner, Chairman Committee on Judiciary No. 2, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary No. 2, to whom was referred House Bill No. 120, entitled, "An Act to fix the amount of jury fees in the District, County, and Justices' Courts," have had the same under consideration, and beg leave to report it back and recommend that it do pass.

PINER, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary No. 2, to whom was referred Senate Bill No. 18, entitled, "An Act to amend 'An Act to amend Article 382, Title 11 Chapter 3, of the penal code, approved November 11, 1866, amendatory of an act to establish a penal code, approved August 28, 1856,'" have had the same under consideration, and beg leave to report it back, and recommend that the Senate concur in House amendments.

PINER, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House Bill No. 137, entitled, "An Act to make persons liable for damages to the owner for buying stolen property after nightfall," have had the same under consideration, and beg leave to report it back, with the recommendation that it do pass.

PINER, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 40, entitled, "An Act to amend an act entitled, 'An Act to branch the Supreme Court of the State of Texas,'" have had the same under consideration, and I am instructed by a majority of said committee to report it back, and recommend its passage.

PINER, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill

No. 64, entitled, "An Act to validate certificates of acknowledgments of married women to deeds of conveyance, letters of attorney or other written instruments," have had the same under consideration, and beg leave to report it back, with the following substitute, to-wit:

"An Act to validate certificates of acknowledgments of married women to deeds of conveyance, letters of attorney, or other written instruments," and recommend that the substitute do pass.

PINER, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 100, entitled, "An Act to provide for the punishment of certain offenses within the cities, towns and boroughs of this State," have had the same under consideration, and beg leave to report it back, and recommend that it do not pass, for the reason that the subject matter therein contained is already provided for in the criminal code.

PINER, *Chairman.*

Hon. R. B. Hubbard President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House Bill No. 100, entitled, "An Act to prevent the removal of rock, slate, coal or minerals from the premises of another, and prescribing a punishment therefor," have had the same under consideration, and beg leave to report it back, and recommend its passage.

PINER, *Chairman.*

Senator McLeary introduced a bill to be entitled: "An Act to provide for erecting two monuments, one on the site of the Alamo, and one on the battle field of San Jacinto."

Read by caption and referred to the Committee on State Affairs.

Senator Piner introduced a bill entitled: "An Act to create an Auditorial Board to ascertain and authenticate the unsettled outstanding liabilities of the State."

Read by caption and referred to the Committee on Finance.

Senator Thompson introduced a bill entitled: "An Act for the relief of James Harding."

Read by caption and referred to the Committee on Finance

Senator Edwards introduced a joint resolution, "proposing an amendment to the Constitution of the State of Texas" (which is the substitution of Article 5—the judicial department of our present Constitution).

Read by caption and referred to the Committee on Constitutional Amendments.

Senator Stephens, Chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully read and compared Senate Bill No. 159, "An Act to make an appropriation to pay the salaries of the Judges and other expenses connected with the Court of Appeals for the fiscal year ending August 31, 1876;" also, Senate Bill No. 148, "An Act to define the duties of Judges of the County Court in certain cases therein mentioned," and find the same correctly engrossed.

STEPHENS, *Chairman.*

On motion of Senator Martin, the rules were suspended, and substitute for Senate Bill No. 84, entitled, "An Act to authorize the County

Courts to provide for and regulate the construction and repairing of county roads, and fixing the penalties therefor," was taken up.

One hundred copies, with amendments, ordered printed, and bill made the special order for to-day week, and from day to day until disposed of.

On motion of Senator Wortham, the following House Bills were taken up and referred to appropriate committees, to-wit:

House Bill No. 644: "An Act to organize Commissioners' Courts, and to define their jurisdiction and duties, and provide for vacancies therein."

Referred to Judiciary Committee No. 1.

House Bill No. 188: "An Act to provide for special terms of the District Court in the Twentieth Judicial District."

Referred to Judiciary Committee No. 1.

On motion of Senator Brady, the rules were suspended, and Senate Bill No. 94, entitled, "An Act to amend 'An Act to provide for the supplying of lost records in the several counties of the State,'" approved April 14, 1874, was taken up and re-committed to Judiciary Committee No. 1.

On motion of Senator Edwards, the rules were suspended, and House Bill No. 53, "An Act to authorize the Commissioner of the General Land Office to appoint one draftsman and two corresponding clerks, and special clerks in certain cases," was taken up and read second time.

On motion of Senator Edwards, the rules were suspended and bill put on its third reading by the following vote:

YEAS—Senators Ball, Brown, Edwards, Ford, Grace, Guy, Henry J. R., Ledbetter, Martin, McLeary, McCulloch, Moore, Motley, Ripetoe, Stephens, Storey, Terrell, Wortham—18.

NAYS—Henry F. M., Thompson—2.

Bill read third time, and passed by the following vote:

NAYS—Senators Ball, Brady, Brown, Douglass, Edwards, Ford, Grace, Guy, Henry J. R., Hobby, Ledbetter, Martin, McLeary, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Wortham—23.

NAYS—Senators Henry F. M., Thompson—2.

President *pro tempore* in the chair.

Senate Bill No. 13, entitled, "An Act concerning mills and millers, and to prevent the taking of excessive toll," with report from Committee on Agricultural Affairs, recommending a substitute for the same, was taken up, and substitute of the committee, entitled, "An Act concerning mills and millers, and to regulate the taking of tolls," was adopted.

Senator Ledbetter offered the following amendment:

Amend by inserting in Section 6, line 8, "one-fourth," instead of, "one-sixth."

Senator Burton offered the following amendment as a substitute for Senator Ledbetter's amendment:

Amend Section 6, by striking out, in line 8, "one-sixth," and insert, "one-fifth."

President in the chair.

Pending the considering of these amendments, the hour for the special order arrived, being Senate Bill No. 103, "An Act to better define the powers and duties of Sheriffs and other officers," which was taken up,

and on motion of Senator Crain, the Senate went into Committee of the Whole on the special order.

Senator Storey was called to the chair.

IN SENATE.

Senator Storey, Chairman of the Committee of the Whole, reported that the committee had been in session some time, in consideration of Senate Bill No. 103, "An Act to better define the powers and duties of Sheriffs and other officers," had made some progress, and asked leave to sit again.

The President, after publicly reading their captions, signed the following bills, which had passed both Houses, to-wit:

Senate Bill No. 174—"An Act prescribing the times of holding the District Court in the Twenty-second Judicial District."

House Bill No. 141—"An Act to authorize the Secretary of State to employ extra Clerks in his office, and to make an appropriation to pay the same."

House Bill No. 126—"An Act to provide for the transfer of the cases in the late Criminal Courts, and to legalize the proceedings of the District Courts in certain cases."

Senator Grace, Chairman of Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled, Senate Bill No. 174, entitled: "An Act prescribing the times of holding the District Courts in the Twenty-second Judicial District." The same has been properly signed and presented to the Governor, this day, at 12:10 o'clock P. M., for his approval.

GRACE, *Chairman.*

Senate Bill No. 33, "An Act to prevent a multiplicity of suits," was taken up, and pending action on which, Senator McCulloch moved to adjourn until to-morrow morning at 9 o'clock.

Senator Ford moved to amend by inserting, "10 o'clock," instead of, "9 o'clock."

Carried, and the Senate adjourned until 10 o'clock A. M. to-morrow.

THIRTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, May 31, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

Upon motion of Senator Edwards, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator McCulloch, Chairman of Committee on Statistics of Industry, Public Health and History of Texas, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Statistics of Industry, Public Health and History of Texas, to whom was referred Senate Bill No. 180, "An Act authorizing quarantine on the coast of Texas," have had the same again under consideration, and report the same back to the Senate, and recommend